

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2228

Introduced by Assembly Member Cooley

February 18, 2016

An act to ~~amend Section 829.5 of the Penal Code~~ *add Chapter 20 (commencing with Section 26205) to Division 20 of the Health and Safety Code*, relating to code enforcement officers.

LEGISLATIVE COUNSEL’S DIGEST

AB 2228, as amended, Cooley. Code enforcement officers.

Existing law defines the term “code enforcement officer” as a person who is not a peace officer, who has enforcement authority for health, safety, and welfare requirements, and who is authorized to issue citations or file formal complaints, as specified.

This bill would require the Board of Directors of the California Association of Code Enforcement Officers (CACEO) to develop and maintain standards for the designation of Certified Code Enforcement Officers or CCEOs. The bill would require the board to designate minimum training, qualifications, and experience requirements for applicants to qualify for the CCEO designation. The bill would also require the board to qualify cities, counties, cities and counties, and accredited educational institutions as Certified Code Enforcement Officer Education Program Providers, and would require all students, participants, or employees who successfully pass the minimum education and certification requirements to be granted CCEO status in an equivalent manner as applicants who attain certification through the CACEO.

The bill would require the board to set annual fees in amounts that are reasonably related and necessary to cover the costs of administering these provisions, to maintain a register of applications for certification, and adopt procedures for discipline, revocation, and sanctions against applicants, registrants, and certificants. The bill would allow all orders of the board resulting in revocation, suspension, or other action to be appealed by a writ of mandate or petition for judicial review to the superior court.

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. (a) The Legislature finds and declares all of the*
2 *following:*

3 *(1) There is statewide interest in preventing homes,*
4 *neighborhoods, commercial properties, and public ways from*
5 *deteriorating and falling into disrepair creating blight conditions.*

6 *(2) Blight adversely impacts community quality-of-life issues,*
7 *creates hazards and unsafe conditions that endanger the public,*
8 *causes citizen dissatisfaction, and leads to dangerous buildings,*
9 *increased crime, and reduced property values.*

10 *(3) Setting the standards, minimum requirements, and ongoing*
11 *educational requirements for local code enforcement officers who*
12 *elect to attain the Certified Code Enforcement Officer title helps*
13 *local agencies identify, select, and train qualified public officers*
14 *to enforce laws and codes necessary to help preserve safe,*
15 *well-ordered communities.*

16 *(4) Public officers who perform code enforcement functions*
17 *require a unique skill set that is not available through traditional*
18 *vocational offerings.*

19 *(b) It is the intent of the Legislature in enacting this measure*
20 *to protect human safety, preserve property values, reduce crime,*
21 *and abate public nuisances by helping to regulate the standard of*
22 *training and certification for local code enforcement officers that*
23 *public agencies may rely on. The municipal code enforcement*
24 *function is sufficiently important to justify having a standard by*

1 *public authority, with the title Certified Code Enforcement Officer*
2 *having a legally defined meaning.*

3 *(c) It is the intent of the Legislature that compliance with this*
4 *measure be voluntary and not to mandate local agencies or*
5 *employers to require their code enforcement officers to become*
6 *certified. The voluntary program created pursuant to this measure*
7 *will ensure that individuals who are Certified Code Enforcement*
8 *Officers have met prescribed education, training, and experience*
9 *requirements and have passed a comprehensive examination*
10 *reflective of the demands encountered in the code enforcement*
11 *profession.*

12 *(d) It is the intent of the Legislature to recognize the California*
13 *Association of Code Enforcement Officers professional*
14 *development and credentialing program by establishing a Certified*
15 *Code Enforcement Officer title to help local agencies define,*
16 *standardize, and regulate this important function.*

17 *SEC. 2. Chapter 20 (commencing with Section 26205) is added*
18 *to Division 20 of the Health and Safety Code, to read:*

19
20 *CHAPTER 20. CERTIFIED CODE ENFORCEMENT OFFICERS*
21

22 *26205. This chapter shall be known, and may be cited, as the*
23 *Code Enforcement Officer Standards Act.*

24 *26206. For purposes of this chapter, the following terms have*
25 *the following meanings:*

26 *(a) "Board" means the duly elected Board of Directors of the*
27 *California Association of Code Enforcement Officers.*

28 *(b) "CACEO" means the California Association of Code*
29 *Enforcement Officers, a public benefit corporation domiciled in*
30 *California.*

31 *(c) "Certified Code Enforcement Officer" or "CCEO" means*
32 *a person registered or certified as described in this chapter.*

33 *(d) "Code enforcement officer" has the same meaning as defined*
34 *in Section 829.5 of the Penal Code.*

35 *26207. (a) The board shall develop and maintain standards*
36 *for the various classes of CCEOs that it designates. The standards*
37 *for education, training, and certification shall be adopted by*
38 *administrative rule of the board, and they shall be no less than as*
39 *described in this chapter. CCEOs shall not have the power of*
40 *arrest except as authorized by the city, county, or city and county*

1 *charter, code, or regulation in which they operate. CCEOs shall*
2 *not have access to summary criminal history information pursuant*
3 *to this section, but persons regularly employed by a city, county,*
4 *or city and county designated pursuant to this subdivision may be*
5 *furnished state summary criminal history information upon a*
6 *showing of compelling need pursuant to subdivision (c) of Section*
7 *11105 of the Penal Code if the criteria specified in that section is*
8 *otherwise met. A person may not be designated or certified as a*
9 *CCEO under this section if that person is disqualified pursuant to*
10 *the criteria set forth in Section 1029 of the Government Code.*

11 *(b) The board shall review all applications from cities, counties,*
12 *cities and counties, and accredited educational institutions who*
13 *seek to develop and provide education designed to qualify their*
14 *students, participants, or employees as CCEOs. All applications*
15 *that are submitted on approved forms that, subject to the board's*
16 *review and approval, demonstrate the equivalency of the standards*
17 *adopted under the rules of the board shall qualify as Certified*
18 *Code Enforcement Officer Education Program Providers (program*
19 *providers). All program providers are subject to ongoing program*
20 *review and evaluation under the board's administrative rules. A*
21 *program provider shall renew its program provider application*
22 *and obtain approval under the board's administrative rules no*
23 *later than 36 months from the date of the last approval or else it*
24 *shall lapse and be subject to renewal under the board's*
25 *administrative rules. All students, participants, or employees who*
26 *successfully pass the minimum education and certification*
27 *requirements of the program providers approved curriculum shall,*
28 *subject to the same fees as other registered CCEOs under the*
29 *board's administrative rules, be granted status as CCEOs in an*
30 *equivalent manner as applicants who attained certification or*
31 *registration status through the CACEO educational and*
32 *certification programs and academies.*

33 *(c) The development and perpetual advancement of code*
34 *enforcement officer professional standards and actively providing*
35 *related educational offerings that lead to increased professional*
36 *competence and ethical behavior shall be the highest priority for*
37 *the board in its licensing, certification, and disciplinary functions.*
38 *Whenever the advancement of code enforcement officer*
39 *professional standards and the provision of related educational*

offerings is inconsistent with other interests sought to be promoted, the former shall be paramount.

26208. The board's administrative rules shall designate minimum training, qualifications, and experience requirements for applicants to qualify for the CCEO designation, including, but not limited to, training and competency requirements in the areas of land use and zoning laws, health and housing codes, building and fire codes, environmental regulations, sign standards, public nuisance laws, applicable constitutional law, investigation and enforcement techniques, application of remedies, officer safety, and community engagement. The board may, by administrative rule, designate additional classes of certifications to help meet its mission.

26209. The board shall conspicuously and continually publish its list of CCEOs on the CACEO Internet Web site, containing the registrant's full name, summary status as to individual disciplinary concerns, active or inactive status, date of active CCEO expiration, and business address, unless the business address is a residence, which shall be treated as confidential.

26210. A CCEO shall hold a valid certificate designating the person as a CCEO issued by the CACEO, shall at all times remain a member in good standing of the CACEO, and shall be subject to ongoing continuing education and registration requirements as designated by the board's administrative rules.

26211. Failure to maintain the continuing education requirements shall cause the certification status to lapse, subject to redemption as specified by the board's administrative rules. Once a certification lapses, the certification status shall automatically convert to inactive CCEO status unless it is redeemed. The rights, privileges, and procedures or limitations on redemption of inactive CCEOs shall be specified in the board's administrative rules.

26212. The board shall annually set fees in amounts that are reasonably related and necessary to cover the cost of administering this chapter. The fees shall be set by the board and published on the CACEO Internet Web site and maintained at the CACEO's headquarters.

26213. The board shall maintain a register of each application for a certificate of registration under this chapter. The register shall include all of the following:

1 (a) *The name, residence, date of birth, and driver's license*
2 *number (including state or country of origin) of the applicant.*

3 (b) *The name and address of the employer or business of the*
4 *applicant.*

5 (c) *The date of the application.*

6 (d) *The education and experience qualifications of the applicant.*

7 (e) *The action taken by the board regarding the application and*
8 *the date of the action.*

9 (f) *The serial number of any certificate of registration issued*
10 *to an applicant.*

11 (g) *Any other information required by board rule.*

12 26214. *A person may not hold himself or herself out to be a*
13 *Certified Code Enforcement Officer in this state or use the title*
14 *"Certified Code Enforcement Officer" in this state unless the*
15 *person holds a certificate of registration pursuant to this chapter.*

16 26215. *The board shall, by administrative rule, create a process*
17 *to timely consider and review all applicants who hold certification*
18 *from any other agency, and allow them to seek review and potential*
19 *approval of the qualifications to potentially be recognized as a*
20 *CCEO in this state. A denial of full recognition as a CCEO shall*
21 *be accompanied by written justification and a list of required steps*
22 *that may be required for the individual applicant to complete the*
23 *registration and certification process. Recognition fees shall be*
24 *set as described in Section 26212.*

25 26216. (a) *The board shall adopt administrative rules to*
26 *process information, investigate allegations or suspicions of*
27 *applicants or licensees providing false information, failing to*
28 *disclose material information on the registration application, or*
29 *not providing any information that may, either before or during*
30 *the certification process, disqualify the applicant or certificant*
31 *under subdivision (a) of Section 26207. The board shall adopt*
32 *procedures and guidelines to impose any discipline, revocation of*
33 *certification, or sanction, for cause, against any applicant,*
34 *registrant, or certificant.*

35 (b) *The administrative rules shall provide the applicant or*
36 *registrant with adequate and fair notice and hearing opportunities*
37 *prior to the board taking any adverse action against the applicant*
38 *or certificant.*

39 (c) *Any factual finding after a hearing that the board concludes*
40 *is cause for revocation, suspension, or other disciplinary or*

1 *administrative action against a registration or certification shall*
2 *result in an order after hearing that meets the fair notification*
3 *requirements of this section.*

4 *(d) All orders after hearing shall be deemed final under the*
5 *board's authority and procedures and may be appealed as provided*
6 *for in Sections 1094.5 and 1094.6 of the Code of Civil Procedure.*

7 *26217. This chapter does not interfere with regulation or*
8 *certification requirements for building inspectors as defined by*
9 *Chapter 7 (commencing with Section 18949.25) of Part 2.5 of*
10 *Division 13.*

11 ~~SECTION 1. Section 829.5 of the Penal Code is amended to~~
12 ~~read:~~

13 ~~829.5. (a) "Code enforcement officer" means any person who~~
14 ~~is not described in Chapter 4.5 (commencing with Section 830)~~
15 ~~and who is employed by any governmental subdivision, public or~~
16 ~~quasi-public corporation, public agency, public service corporation,~~
17 ~~any town, city, county, or municipal corporation, whether~~
18 ~~incorporated or chartered, who has enforcement authority for~~
19 ~~health, safety, and welfare requirements, whose duties include~~
20 ~~enforcement of any statute, rule, regulation, or standard, and who~~
21 ~~is authorized to issue citations, or file formal complaints.~~

22 ~~(b) "Code enforcement officer" also includes any person who~~
23 ~~is employed by the Department of Housing and Community~~
24 ~~Development and who has enforcement authority for health, safety,~~
25 ~~and welfare requirements pursuant to the Employee Housing Act~~
26 ~~(Part 1 (commencing with Section 17000) of Division 13 of the~~
27 ~~Health and Safety Code); the State Housing Law (Part 1.5~~
28 ~~(commencing with Section 17910) of Division 13 of the Health~~
29 ~~and Safety Code); the Manufactured Housing Act of 1980 (Part 2~~
30 ~~(commencing with Section 18000) of Division 13 of the Health~~
31 ~~and Safety Code); the Mobilehome Parks Act (Part 2.1~~
32 ~~(commencing with Section 18200) of Division 13 of the Health~~
33 ~~and Safety Code); and the Special Occupancy Parks Act (Part 2.3~~
34 ~~(commencing with Section 18860) of Division 13 of the Health~~
35 ~~and Safety Code).~~